

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Diane Wilson Skipper,)	
)	
Plaintiff,)	Civil Action No. 2:19-2833-RMG
)	
vs.)	
)	
Andrew Saul, Commissioner)	
of Social Security Adminstation,)	ORDER
)	
Defendant.)	
)	
)	
)	

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff’s application for Disability Insurance Benefits (“DIB”). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (“R & R”) on January 11, 2021, recommending that the decision of the Commissioner be reversed and remanded to the agency because the Administrative Law Judge (“ALJ”) failed to properly evaluate and weigh Plaintiff’s subjective complaints of pain caused by her fibromyalgia by discounting her subjective complaints in favor of objective evidence. (Dkt. No. 24 at 6-10). The Commissioner has advised the Court he will not file an objection to the R & R. (Dkt. No. 25).

The Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order. Since Plaintiff’s application for disability benefits has been pending now for over four

years, the Commissioner is directed to schedule another administrative hearing in this matter within 120 days of this Order and to issue a final agency decision within 180 days of this Order.

AND IT IS SO ORDERED.

S/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

Charleston, South Carolina
January 18, 2021